

Docket No. 12710.0017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------------|------------------------------|---|------------------------|
| In re application of: | Duane Hill, Ray |) | |
| | Walker, Dan Breene, |) | |
| | Jack Sanders-Reed, |) | |
| | and Bob Van Allen |) | |
| | |) | |
| Assignee: | UTAH STATE RESEARCH |) | Examiner: TBD |
| | FOUNDATION |) | |
| | |) | |
| Serial No.: | 10/735,528 |) | Docket No.: 12710.0017 |
| | |) | |
| Filing Date: | 12 December 2003 |) | |
| | |) | |
| For: | A VEHICLE MOUNTED SYSTEM AND |) | |
| | METHOD OF CAPTURING AND |) | |
| | PROCESSING PHYSICAL DATA |) | |
| | |) | |

PETITION FOR UNCOOPERATIVE INVENTOR

Mail Stop Missing Parts
Commissioner for Patents
Group Director
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Madam/Sir:

Pursuant to 37 C.F.R. §1.497 (a) and (b), an oath and declaration of the named inventors is attached hereto. Please note that due to the refusal of the fifth and sixth named inventors, Jack Sanders-Reed and Bob Van Allen, to sign the appropriate documentation, the present petition requests acceptance of the attached oath and declaration in lieu of their signatures. As is necessitated by 37 C.F.R. §1.47, MPEP 409.03 (d) and MPEP 409.03 (e) (Seventh Edition,

Revision 1), Applicant respectfully petitions the Commissioner for Patents or Group Director to accept as fact the following statement of facts and last known address of the uncooperative inventors, namely Jack Sanders-Reed and Bob Van Allen, in order to proceed with the prosecution of the above referenced patent application.

STATEMENT OF FACTS

On April 23, 2004, Wade W. Sherman, Associate Attorney, Jones Waldo Holbrook & McDonough, PC, caused to be sent to Jack Sanders-Reed (“Sanders-Reed”) and Bob Van Allen (“Van Allen”) all relevant and necessary patent application papers for their signatures. *See* Federal Express Receipts, copies of which are attached hereto at Tab A.


On May 7, 2004, Jack Sanders-Reed and Bob Van Allen were contacted by phone at their common place of business in Albuquerque, New Mexico by Mr. Sherman. *See* Mr. Sherman’s Notation, a copy of which is attached hereto at Tab B. Neither inventor was available. *Id.* On each inventor’s respective voice mail, Mr. Sherman extended the request for each inventor to review the patent application for the matter note above, and to execute the patent documents relating to the same, including the required oath and declaration, and to return the same to the law firm of Jones Waldo Holbrook & McDonough. *Id.*

Within minutes, Mr. Sanders-Reed left a voice message for Mr. Sherman stating that he had received the application materials and would review those materials and follow up with a call indicating his intention to cooperate or not. *See* Transcribed Voice Mail Message, a copy of which is attached hereto at Tab C.

On May 24, 2004, Brent T. Winder, Associate Attorney, Jones Waldo Holbrook & McDonough, PC, left a voice mail message for both Messrs. Sanders-Reed and Van Allen following up on their intentions to sign of the patent application. *See* Handwritten Notes, a copy of which is attached hereto at Tab D.

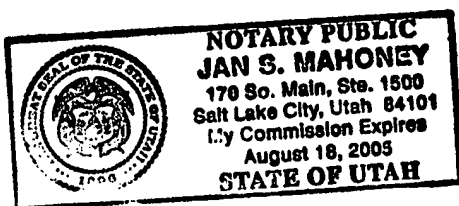
On June 22, 2004, Harry Field, senior intellectual property counsel for Boeing-SVS, Inc. (the company currently employing Messrs. Sanders-Reed and Van Allen) called Mr. Winder and informed him that Messrs. Sanders-Reed and Van Allen would not be signing the patent application.

IN WITNESS WHEREOF, I hereby declare and attest that the statements made above are true as described and asserted, dated this 25th day of August, 2004;


Brent T. Winder
Associate Attorney, JWHM

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 25th day of August, 2004, personally appeared before me Brent T. Winder, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.




NOTARY PUBLIC

LAST KNOWN ADDRESS AND PHONE NUMBER

The last known business address (residential address not available) and phone number of Jack Sanders-Reed, which is the same business where he was reached during the teleconference of May 7, 2004, is as follows:

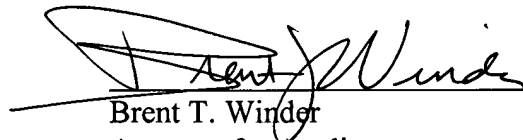
Boeing-SVS, Inc.
4411 The 25 Way NE, Suite 350
Albuquerque, New Mexico 87109
Telephone: 505-449-4600

Further the last known business address (residential address not available) and phone number of Bob Van Allen, which is the same business where he was reached during the teleconference of May 7, 2004, is as follows:

Boeing-SVS, Inc.
4411 The 25 Way NE, Suite 350
Albuquerque, New Mexico 87109
Telephone: 505-449-4600

Based on the foregoing, Applicant respectfully requests that prosecution be continued on the present application.

Respectfully submitted,


Brent T. Winder
Attorney for Applicant
Registration No. 46,250

Jones Waldo Holbrook & McDonough, PC
170 South Main Street, Suite 1500
Salt Lake City, Utah 84101-1644
Telephone: 801 534-7426

From: Origin ID: (801)521-3200
Jenny Mahoney
Jones Waldo Holbrook & McDonough
170 s main st
suite 1500
salt lake city, UT 84101



Ship Date: 23APR04
Actual Wgt: 1 LB
System#: 5719860/INET1800
Account#: S *****

REF: 12710.0017

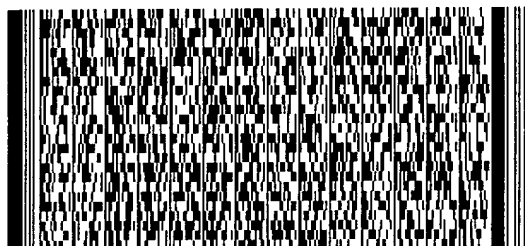


Delivery Address Bar Code

SHIP TO: (801)532-7392

BILL SENDER

Jack Sanders-Reed
Boeing-SVS, Inc.
4411 The 25 W ay NE
Suite 350
Albuquerque, NM 87109



PRIORITY OVERNIGHT

MON

Deliver By:
26APR04

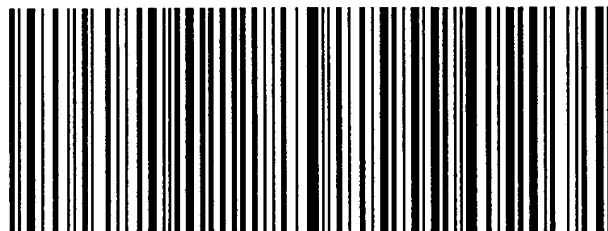
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FORM
0201

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From: Origin ID: (801)521-3200
Jenny Mahoney
Jones Waldo Holbrook & McDonough
170 s main st
suite 1500
salt lake city, UT 84101



Ship Date: 23APR04
Actual Wgt: 1 LB
System#: 5719860/INET1800
Account#: S *****

REF: 12710.0017

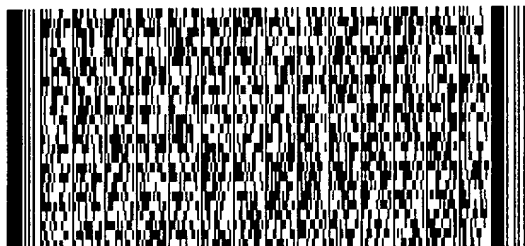


Delivery Address Bar Code

SHIP TO: (801)534-7392

BILL SENDER

Bob Van Allen
Boeing-SVS, Inc.
4411 The 25 Way NE
Suite 350
Albuquerque, NM 87109



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Deliver By:
26APR04

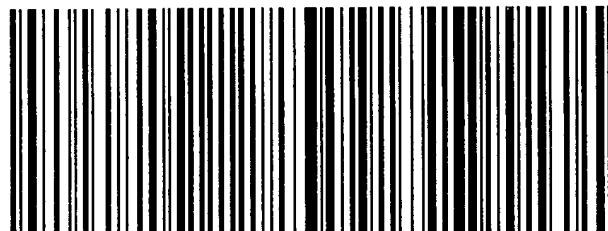
TRK# 7926 2439 1577

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JONES, WALDO, HOLBROOK & McDONOUGH, P.C.

Client/Matter: 12710.0017 Date: 5/7/69

Re: Cooperation of Inventors: Jack Reed & Bob Van Allen

☐ Telephone Call ☐ From ☐ To _____
Name Phone No.

☐ Conference With: _____

☐ Other: _____

Bob Van Allen - 12:01 pm - phone message left
with respect to cooperation on
USA matter.

Jack Sanders-Reed - 12:04 pm - phone message
left with respect to cooperation on
USA matter.

* returned message with a vrm left
on my extension: Dr. Sanders-Reed
mentioned that and Bob Van Allen will
likely cooperate and sign the docs, and
drop them in the mail early next
week.

C

Voicemail Message
May 13, 2004

Margott, this is Jenny. Brent Winder sent me this voicemail message and asked me to get it transcribed and I was wondering if you guys could do that for us. Thanks.

Yea, Wade, this is Jack Sanders Reed[?] with Boeing in Albuquerque returning your phone call of a few minutes ago. I was on the phone, sorry. Yes, I did receive the package. I apologize for not getting back to you sooner. I've been on an awful lot of travel and I noticed there was one other person from SVS here on your list, my general manager, Bob VanAllen[?], and I've been trying to coordinate with him a little bit just, uh, I guess the quick answer is that it looks good to me. I don't see any issue that I or we would have with signing that, but I wanted to coordinate with him and our travel schedules have work out such that we haven't been able to communicate with each other very much. So I do want to close the loop with him and I'm hoping I can do that next week and then I will presumably be dropping it in the mail to you. If you have any questions certainly feel free to call me again. I guess that's the message.

Thanks a lot, bye.



D

5/24/04

I left a voice-mail message for Dr. Sanders-Reed following up with his 5/13 message to Wade Sherman.

I asked, in the message, if he was still willing to sign docs & if so, we had deadlines & would like them ASAP.

BTW

5/24/04

I also followed-up w/ VanAllen (at suggestion of Sanders-Reed) - leaving him a message of ~~about~~ similar content.

BTW

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